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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,593	12/07/2000	Uwe Voigt	GK-ZEI-3106 / 500343.2010	9580
7590	05/14/2003			
Gerald H. Kiel, Esq. REED SMITH LLP 375 Park Avenue New York, NY 10016-2391			EXAMINER	
			WACHSMAN, HAL D	
		ART UNIT	PAPER NUMBER	
		2857		

DATE MAILED: 05/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



09/731,593

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT      PAPER

9

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Hal D Wachsman  
Primary Examiner  
Art Unit: 2857

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/731,593	VOIGT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hal D Wachsman	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 February 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on 28 February 2003 is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                      | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 . | 6) <input type="checkbox"/> Other: _____                                    |

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 2-28-03 have been disapproved because they introduce new matter into the drawings. 37 CFR 1.121(f) states that no amendment may introduce new matter into the disclosure of an application. The original disclosure does not support the showing of the steps in the flowchart of proposed Figure 6 with respect to a microcontroller. Appropriate correction is required with the appropriate changes made to the Brief Description of the Drawings as needed.

2. Because the proposed drawing corrections have not been approved as shown in paragraph 1 above, the drawings remain objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the method for monitoring a control system as cited in claims 1-9 must be shown (such as in a flow chart for example) or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The foreign patent documents cited on the Information Disclosure Statement filed 9-21-01 could not be considered because copies of those foreign patent documents were not found with the application.

4. The clean copy of amended claim 6 submitted in the reply filed 2-28-03 is improper under 37 C.F.R. 1.121 because there is a mark-up (bracketing around the word "respective" in line 4). Appropriate correction is required.

5. Claims 1-9 are objected to under 37 C.F.R. 1.75(a) for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Claim 1, line 8, cites "detecting status data.." however there is already antecedent basis for "status data" in the preamble of the claim. The last 2 lines of claim 1 cite "communicating with the control station for purposes of conveying the detected status data to control unit" which is confusing because the status data comes from the at least one control unit. Did the Applicant intend here to say that the status data is conveyed to the control station ? In claim 3, line 5, it appears that the word "of" is missing between the words "plurality" and "control". Claim 4, lines 2-3, cite "the plurality of control units without master capability" which lacks antecedent basis. Claim 4, lines 2, 5 and 6, cite "at least one control units" however was it actually "at least one of the control units" that was intended here ? Claim 5, line 4, cites "plurality control units" in which it appears that the word "of" is missing between "plurality" and "control". This same type of problem also occurs in claim 7, lines 3-4. Claim 7, line 2, cites "the microprocessor" however the antecedent basis is "at least one microprocessor". This same type of problem also occurs in claim 8, line 2 and claim 9, line 2. Claim 8, line 2, cites "the enabled control unit" which lacks antecedent basis. This same type of problem also occurs in claim 9, line 2. The examiner asks the applicant to better claim the limitations cited above. While the examiner understands the intentions of the applicant he feels confusion could be drawn from the limitations cited above. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 7 and 8, are rejected under 35 U.S.C. 102(b) as being anticipated by Ortyn et al. (5,557,097).

As per claim 1, Ortyn et al. (Abstract, figure 1B, col. 4 lines 36, 63, 64) disclose the incorporating step. Ortyn et al. (Abstract, figure 1B, col. 16 lines 6-22, col. 17 lines 1-18) disclose the detecting status data step. Ortyn et al. (see at least abstract and figure 1B) disclose the communicating step.

As per claim 7, Ortyn et al. (see at least Abstract and figure 1B) disclose the feature of this claim.

As per claim 8, Ortyn et al. (see at least Abstract and figure 1B) disclose the feature of this claim.

8. Claims 1-3, 8 and 9 rejected under 35 U.S.C. 102(b) as being anticipated by Trussell et al. (4,539,655).

As per claim 1, Trussell et al. (Abstract, col. 5 lines 67, 68, col. 6 lines 1-4) disclose the incorporating step. Trussell et al. (Abstract, col. 5 lines 67, 68, col. 6 lines

1-4, col. 10 lines 30-34, col. 18 lines 50-55) disclose the detecting status data step.

Trussell et al. (Abstract, col. 3 lines 66, 67, col. 4 lines 1-3) disclose the communicating step.

As per claim 2, Trussell et al. (col. 5 lines 28, 33, col. 6 lines 5-7, 11-23) disclose the feature of this claim.

As per claim 3, Trussell et al. (Abstract, col. 5 lines 28, 33, 67, 68, col. 6 lines 1-7, 11-23, col. 10 lines 30-34, col. 18 lines 50-55) disclose "wherin detecting the status data is accomplished by transferring a master capability....wherein the control unit with master capability communicates....to detect status data of at least one of the other control units". Trussell et al. (Abstract, col. 3 lines 66, 67, col. 4 lines 1-3) disclose "communicates with the control station....conveying detected status data to the control station".

As per claim 8, Trussell et al. (see at least abstract) disclose the feature of this claim.

As per claim 9, Trussell et al. (col. 5 lines 28, 33, col. 6 lines 5-7, 11-23) disclose the feature of this claim.

9. Claims 1-10 are rejected under 35 U.S.C. 102(a) or 102(b) as being anticipated by Rasmussen (5,884,072).

As per claim 1, Rasmussen (Figures 14-16, col. 26 lines 51-67, col. 45 lines 57-59, col. 51 lines 55-57, col. 55 lines 51-59) discloses the incorporating step. Rasmussen (Figures 12, 14-16, col. 35 lines 55-67, col. 36 lines 1, 2, 53-60, col. 51

lines 55-64, col. 55 lines 51-63) discloses the detecting status data step. Rasmussen (figures 12, 14-16, 37, col. 51 lines 50-64) discloses the communicating step.

As per claim 2, Rasmussen (see at least abstract) discloses the feature of this claim.

As per claim 3, Rasmussen (Abstract, figures 14-16, col. 55 lines 51-63, col. 57 lines 12-22, 49-67, col. 58 lines 1-21) discloses “wherin detecting the status data is accomplished by transferring a master capability....wherein the control unit with master capability communicates....to detect status data of at least one of the other control units”. Rasmussen (figures 12, 14-16, 37, col. 51 lines 50-64) discloses “communicates with the control station....conveying detected status data to the control station”.

As per claim 4, Rasmussen (Abstract, figures 14-16, 42, col. 55 lines 51-63) discloses “at least one control units with master capability...and the control station communicates with the rest of the control units...wherein a capability of detecting status data is assigned to the at least one control units with master capability”.

As per claim 5, Rasmussen (Abstract, col. 36 lines 53-65, col. 45 lines 39-67, col. 46 lines 1-67) discloses the feature of this claim.

As per claim 6, Rasmussen (Abstract, col. 36 lines 53-65, col. 45 lines 39-67, col. 46 lines 1-67) discloses the feature of this claim.

As per claim 7, Rasmussen (Abstract, col. 49 lines 41-53, col. 57 lines 9-34) discloses the feature of this claim.

As per claim 8, Rasmussen (Abstract, figures 14-16, col. 96 lines 48-65) discloses the feature of this claim.

As per claim 9, Rasmussen (Abstract, col. 96 lines 62-67, col. 97 lines 1-23) discloses the feature of this claim.

As per claim 10, Rasmussen (figures 11, 12, 14-16, col. 16 lines 9-13, col. 25 lines 49-51) discloses a plurality of control units for controlling the parts. Rasmussen (col. 66 lines 12-30) discloses the control station as described in lines 4-5 of the claim. Rasmussen (Figures 12, 14-16, col. 35 lines 55-67, col. 36 lines 1, 2, 53-60, col. 51 lines 55-64, col. 55 lines 51-63) discloses “at least one of the plurality of control units....determined assessment to the control station”.

10. Applicant's arguments filed 2-28-03 have been fully considered but they are not persuasive. With respect to the Ortyn et al. reference the Applicant argues on page 7 of the reply “The communication between the individual units and component groups of the optical system is not described” however here the Applicant is arguing an unclaimed merit or distinction and the Examiner notes that the only reference to an optical system is in the preambles of the independent claims where an optical measurement device is mentioned as a possible field of use however there is no reference to such an optical measurement device in the bodies of all the claims. In addition, the communications in Ortyn et al. are clearly evident in Ortyn et al. in the Abstract figure for example which shows the communication of commands, data, and status between the motor drivers, motion controller, etc. With respect to the Trussel et al. reference the Applicant argues on page 7 of the reply “On the whole, the data transfer is carried out in a different way

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than claimed in the present Application because it merely travels node to node." Again, here an unclaimed merit or distinction is being argued and the Applicant does not point out the specific distinctions believed to render the claims patentable over this applied reference. In addition, with respect to the Rasmussen reference on page 7 of the reply a variety of unclaimed merits or distinctions are argued such as for example : "Further, it is indicated that two "master controllers" communicate in a plane from which the "slave controllers" are excluded", "in order to provide a system with master capability from the perspective of the control station", etc.

11. No claims are allowed.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D Wachsman whose telephone number is 703-305-

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9788. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Hal D Wachsman  
Primary Examiner  
Art Unit 2857

HW  
May 9, 2003